

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Arbitration – Suits - Settlement of disputes pertaining to the Work relating to Excavation of Water Supply Canal from KM 29.839 to 33.689 of Yeleswaram project under agreement dated 24-01-1987 by way of negotiation between Sri N. Dasaratharami Reddy, Contractor, S.V. Engineering Constructions, Nellore and the Department – Case referred to the Conciliation Committee for Andhra Region – Accepted of the report of the Conciliation Committee – Orders – Issued.

IRRIGATION & C.A.D. (ARB.) DEPARTMENT.

G.O.(Ms.) No. 274

Dated the 23rd October, 2009.

Read the following:-

1. Representation received from Sri N. Dasaratharami Reddy, Contractor, S.V. Engineering Constructions, Nellore, dated 12-6-2008.
2. From the ENC (Irrgn.), Hyd., Lr.No.ENC(I)/DCE(GDS)/OT2/AE/F.46/2065/83-A/OP153-91/2005, dt.23-08-2008.
3. From the A.G., A.P., Hyd., Lr.No.1202/Opn.No.88/2008, dated 05-12-08.
4. Govt.Memo.No.18498/ARB.08, dated 04-02-2009.
5. From the ENC (Irrgn.) G.D.S. Unit & Convenor, Committee of Conciliation for Andhra Region, Lr.No.ENC(I)/DCE(GDS)/OT2/AE/ F.46/2065/83-A/83/OP153-91/2005-3, dt.11.05.09.

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O R D E R:

Sri Dasaratharami Reddy, M/s. S.V. Engineering Constructions in his representation first read above, has stated that he was assigned the work "Excavation of water supply canal from KM 29.839 to KM 33.689 including lining of Yeleswaram Project under Agreement No.11/86-87, dated 24.01.1987". The contractor had completed the work. During execution of work certain disputes arose between the contractor and the Dept. The matter was referred to the Sole Arbitrator. The Sole Arbitrator made his award on 27-06-1991. But, Govt. had filed OS No.197/91 to set aside the award. The Contract Agency also filed O.P. No.153/91 on the file of Principal Subordinate Judge Court, Visakhapatnam to make the award passed by the Arbitrator as rule of Court and passed a decree. By a Common order dated 27-11-2000, the Court has made the award as rule of court and passed a decree and dismissed the case filed by the Department. Aggrieved by this, the Department filed CRP No.1181/01 and CMA No.704/01 before the Hon'ble High Court. While the matter stood thus, the Hon'ble High Court of A.P. in its order dated 09-10-2007 directed both the parties to mutually settle the dispute and disposed off the cases. Based on this they have made an appeal on 05-02-2008 to the Government to interfere and convene a meeting for settlement of the award amount, as directed by the Hon'ble High Court and earnestly explore the feasibility of striking a mutual settlement for the benefit of both parties setting at rest the legal battle.

2. In Govt. Memo. fourth read above, after obtaining the report from the Engineer-in-Chief, Irrigation, Hyderabad and based on the opinion given by the Learned Advocate-General, High Court of Andhra Pradesh, the case has been referred to the Conciliation Committee for Andhra Region for negotiation with the contractor.

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3. The Engineer-in-Chief, (I) Chairman / Convenor, Committee of Conciliation for Andhra Region, Hyderabad, in the reference firth read above, has stated that after detailed discussions/conciliation, the Claimant/ Contractor has agreed for the amount settled in the Conciliation meeting that, no further amount need to be paid to him and the claimant/contractor accepted this decision and offered to withdraw all legal proceedings and to that effect consent was also given. The Chairman / Convener has also stated that the amount already deposited i..e, Rs.45,52,383/- is final and no further payment is to be made towards the claims. He has, therefore, requested to cancel G.O.Ms. No.140, I & CAD (PW.ARB I) Dept., dated 14-12-2004, wherein an amount of Rs.3,68,611/- was sanctioned and the same is not deposited due to delay in release of LOC prior to the conciliation.

4. After careful examination of the matter, Government hereby decided to accept the recommendation of the Conciliation Committee for Andhra Region, dated 11-05-2009 and hereby cancel the orders issued in G.O.Ms.No.140, I & CAD (PW.ARB.I) Department,dated 14-12-2004.

5. The Engineer-in-Chief, Irrigation, G.D.S.Unit, Hyderabad is requested to take necessary further action accordingly.

6. This order issues with the concurrence of Finance (W&P) Dept., vide their U.O.No.2984/F7(A1)/09, dated 06-08-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Engineer-in-Chief, Irrigation, I & CAD Department,
Jalasoudha Building, Errum Manzil, Hyderabad.
The Superintending Engineer, I & CAD Dept., Y.R.P.C. Circle, Kakinada.
The Executive Engineer, Irrigation, Y.R.P.C.Division, Visakhapatnam.
Sri N.Dasaratharam Reddy, Contractor, S.V.Engineering Constns.,
No.1, Chandrabagh Building, Dargamitta, Nellore.
Finance (W&P) Department.
The Accountant-General, A.P., Hyderabad.
The Learned Advocate-General, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.
S.C. S.F.

// FORWARDED :: BY ORDER //

SECTION OFFICER.